

Editor's note: *Former Durham County District Attorney Roger Echols sent this email in response to a question from The News & Observer and The Herald-Sun on Wednesday asking whether he had asked federal prosecutors to issue arrest warrants in the killing of Durham businessman Hong Zheng.*

No problem. I am happy you gave me the opportunity to respond. I have never had a conversation or any type of contact with federal authorities on that case. I also did not direct anyone else in the office to make the request of the US Attorney to adopt this case. While there could have been contact with federal authorities with our office, I do not believe anyone made that request. In fact, I have never, formally or informally, requested the U.S. Attorney to adopt a case. I believe federal officers review most if not all gun cases in Durham which may be how the case got on their radar.

While I have you I would like to comment generally and specifically about a few other articles I have seen recently. It has become increasingly clear that Durham's DA's Office has and will blame or deflect in uncomfortable, difficult or unpopular decision on me instead of owning their decisions.

I've read through many media outlets that I made the decision to not charge in the investigation into the shooting of Deandre Ballard. That statement is untruthful and I believe the statement was knowingly made. As District Attorney, I made decisions on similar investigations in more than a half dozen cases. I never made a decision in any of the cases without telling the family of the victim (or the family's representative) and the representative of the subject(s) of the investigation. The only time that I did not tell the actual victim or family of the victim in person was when the family requested that I speak to their lawyer only. The only times when I made a decision on a case like that, which was newsworthy, and I didn't make it public was when there was related criminal prosecutions pending and in the Willard Scott case because the family of Willard Scott asked me to wait. (In the Scott case, I regret not insisting to the family that I release it at some time certain.) During the course of the Ballard investigation I had discussions with the police department about many of my professional opinions about the evidence in the case, but it was more than clear to the police department that I didn't make a determination and later that I wouldn't make a determination before leaving office. Earlier this year, a representative from the DA's Office contacted me and asked me if I had made a decision regarding the Ballard investigation. I told that representative no and explained to them what I just explained to you. Which is why I believe that they knowingly made those false statements.

I also read an article yesterday on an Evans case when it was reported that the plea offer accepted was one that was extended by an ADA who worked for me and that the current administration believed it to be fair to honor that offer. There are so

many reasons as to why they are not bound by the offer and why they should not feel that the right thing to do is to honor the offer that I won't get into for brevity sake. I do want to deal with what was said and the misleading if not patently false aspects of those statements. There was an offer extended by the ADA who was previously handling the Evans case. Honestly, I do not know what the conditions of that offer was and how much it varied, if at all from the plea agreement entered in the case. I did speak with the ADA who previously handled the case yesterday and learned that the offer extended, whatever the conditions of that offer, was withdrawn. Furthermore the ADA currently handling the case contacted the ADA who previously handled the case to talk about the case. In that conversation, the ADA currently handling the case was told that the offer was withdrawn. Therefore, the offer that the defendant accepted was no longer there to be "honored" if in fact that was ever the offer on the table at all. The ADA who previously handled the case also professionally and graciously took the time to explain the evidentiary issues involved in the case and the substantial hurdles to the admissibility of such inculpatory evidence. Issues that might justify the reasoning for any plea, which I can only assume were not explained in the sentencing hearing. The plea in this case may or may not have been the appropriate disposition given all the factors of the case. My point is not to defend or criticize any previous or current plea offer. Every prosecutor's office has to grapple with decisions of this nature.

Thank you for hearing me out on these issues. I do not particularly want to speak on most things that come out of the Durham DA's Office because I think it does no one any good. I have stayed silent when other statements have been made that I considered to be misleading. However, when false or misleading statements are made that impugn my integrity or the integrity of those who worked for me and honorably served the State and the public, I will be not silent. The above cases are such instances. I respect the job that the prosecutors in Durham have as much or more than anyone can or ever will. I may not have always made the best decision as DA, but I believe I owned all of my decisions. Contrary to what I read, I do not control anything that happens or any decisions that come out of Durham's DA's Office.

Thank you,

Roger Echols